

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2107—FY 1998 Interior Appropriations Act
Motion to Go to Conference on H.R. 2015 (Balanced Budget Act)
Motion to Go to Conference on H.R. 2014 (Taxpayer Relief Act)



H.R. 2107—FY 1998 Interior Appropriations Act

Floor Situation: The House will consider H.R. 2107 as its first order of business today. Yesterday, the Rules Committee granted an open rule providing for one hour of general debate, equally divided between the chairman and ranking minority member of the Appropriations Committee. The rule waives points of order against the bill for containing measures within the jurisdiction of the Budget Committee that were not reported by it. It also waives House rules prohibiting unauthorized appropriations, legislative measures in an appropriations bill, and reappropriations, except for measures regarding the Forest Service timber purchaser road construction credit program and the National Endowment for the Arts. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. In addition, the rule makes in order three specific amendments—by Mr. Ehlers, Mr. Weldon (FL), and Mr. Crapo—for the amount of time specified below and waives points of order against them. It permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2107 appropriates \$13 billion in new FY 1998 budget authority, \$546 million less than last year (when including FY 1997 supplemental appropriations) and \$132 million less than the president's request. Approximately half of the bill's funding, \$6.5 billion, finances Interior Department programs to manage and study the nation's animal, plant, and mineral resources. The balance of the bill's funds support other, non-Interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy programs run by the Department of Energy, the Indian Health Service, and the Smithsonian Institution and similar cultural organizations.

The bill increases funding over FY 1997 levels for several programs, providing:

- * \$1.2 billion for the operation of national parks, \$77 million more than last year and \$12 million more than the president's request;
- * \$725.1 million for Fish and Wildlife Service, an increase of \$54.5 million and a \$37.2 million increase over the president's request;
- * \$136 million for the Everglades Initiative, an increase of \$79 million;
- * \$1.7 billion for Native American programs, an increase of \$65 million; and
- * \$502 million for cultural institutions, an increase of \$16 million, including (1) \$388 million for the Smithsonian, (2) \$62 million for the National Gallery of Art, (3) \$20 million for the Kennedy Center, and (4) \$32 million for the Holocaust Museum.

In order to fund these increases, the bill terminates several programs and cuts funding for others. Specifically, the bill (1) terminates funding for the National Endowment for the Arts (leaving \$10 million for close-out costs); (2) eliminates the \$5.8 million Woodrow Wilson Center (leaving \$1 million for close-out costs); (3) cuts Department of Energy Fossil Energy and Research and Development by \$53 million; and (4) cuts funding for the Minerals Management Service and the Naval Petroleum and Oil Shale Reserves. In addition, the bill does not include \$700 million for certain land acquisitions that were included in the budget agreement. CBO estimates that enactment will result in outlays of \$13.1 billion over five years. The bill was submitted by Mr. Regula and reported by the Appropriations Committee by voice vote on June 26, 1997.

Views (on the overall bill):

Republican Leadership: Supports

Chairman Livingston (Full): Supports

Chairman Regula (Sub): Supports

Clinton Administration: No Position Available

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2107:

Mr. Coburn may offer an amendment (#1) to prohibit any funds from being used to support the U.S. Man and the Biosphere program (USMAB) or the World Heritage Program. Biosphere Reserves and World Heritage Sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Biosphere Reserves are part of the USMAB which operates in conjunction with a worldwide program under UNESCO. The USMAB operates without legislative direction and is not authorized by Congress, and the U.S. withdrew from UNESCO in 1984. Biosphere reserves, as well as World Heritage Sites and the areas surrounding them, may be subject to international land management rules. In FY 1996, the National Park Service, the National Forest Service, the Smithsonian, and the Bureau of Land Management contributed \$170,000 to USMAB. *Staff Contact: Neil Bradley, x5-2701*

Mr. Crapo may offer an amendment, debatable for 20 minutes, to amend the 1974 Budget Act to create a lock-box for each appropriation bill (House, Senate, and House-Senate Conference) to capture savings from floor amendments that cut spending in order to reduce the federal budget deficit. Congress' mandatory discretionary spending limits would then be reduced by that amount. *Contact: x5-5531*

Mr. Defazio may offer an amendment to increase the Forest Service's road maintenance program budget by \$30 million and increase the amount that can be used for road obliteration from \$10 million to \$30 million. To offset these increases, the amendment reduces the fossil energy research and development program by \$63 million. *Staff Contact: Jeff Stier, x5-6416*

Mr. Ehlers and Mr. Hunter may offer an amendment, debatable for 60 minutes, to terminate the National Endowment for the Arts, but retain a federal commitment to arts funding. Specifically, the amendment provides \$80 million in arts funding that will be allocated to the states in two block grants as follows: (1) it directs 37 percent to state art commissions, allocating \$29.6 million, a \$3.7 million increase over the \$25.9 million funding level for the NEA in FY 1997 (distributed to states based on population, with a 200,000 person minimum); (2) it directs 60 percent to local school boards to fund school-based arts activities, allocating \$48 million (distributed to states based on its K-12 school-aged population); and (3) it allows the remaining three percent for administrative costs. Schools may not cut their own arts funding and continue to receive federal arts education grants and no funding may be used to sponsor obscene or pornographic art.

Proponents of the amendment argue that it maintains the commitment to terminate federal control over arts funding while providing greater accountability and more equitable funding for arts activities. Opponents argue that termination of the NEA is unacceptable and is just the first step in a broader effort to eliminate all federal arts funding. Other opponents contend that any federal funding is unjustified and that arts activities and programs will continue to flourish without federal funding. *Contact: x5-3831*

Mr. Gutierrez may offer an amendment (#2) to reduce the Bureau of Land Management's land and resources management account by \$4.7 million in order to fund increases in several energy conservation programs. Specifically, the increase allocates \$700,000 for the Department of Energy's urban heat island research program, \$400,000 for the DOE's highly-reflective surfaces program, and \$1 million for the DOE to implement a highly-reflective surfaces program in and around the nation's schools. The remaining \$2.6 million would go toward deficit reduction. *Staff Contact: Mark Sine, x5-8203*

Mr. Istook and Mr. Visclosky may offer an amendment to require Indian tribes to reach a binding agreement regarding state and local sales taxes on sales to non-Indians on new tribal trust lands before any new federal lands are transferred into tribal trust. Specific details on the amendment were not available at press time. *Staff Contact: John Albaugh (Istook), x6-2155*

Ms. Jackson-Lee may offer an amendment (#4) to restore the National Endowment for the Arts (NEA) funding level to its FY 1997 level of \$99.5 million, an increase of \$89.5 million from the bill's current level. The increased funding is offset by an equal cut in the forest and rangeland research account. Critics of the NEA argue that no federal money should go to subsidize culture, particularly "culture" that taxpayers find obscene. Supporters of the NEA, on the other hand, believe that full federal support of the arts is critical to the cultural well-being of the nation. *Staff Contact: Leon Buck, x5-3816*

Messrs. Klug, Miller (FL), and Foley may offer an amendment (#5) to cut funding for the Department of Energy's (DOE) Clean Coal Technology program by an additional \$292 billion, for a total reduction of \$392 million (the bill currently rescinds \$100 million). The Clean Coal Technology program is a technology development effort jointly funded by government and industry to research,

develop, and demonstrate advanced coal-based technologies. When the president submitted his FY 1998 budget request, the program had \$570 million in unobligated balances available. *Staff Contact: Kathy Hahn (Klug), x5-2906; Chris Kinnan (Miller), x5-5015; Shawn Gallagher (Foley), x5-5792*

Mr. Mica may offer an amendment (#6) to increase National Park Service operations and maintenance funding by \$2 million and reduce fossil energy research and development funding by an equal amount. The intent of the amendment is to reduce the appropriation for the Albany Research Center in Albany, Oregon. *Staff Contact: Gary Burns, x5-4035*

Mr. Miller (CA) may offer an amendment to provide \$700 million for certain land acquisitions. Specifically, the amendment provides \$250 million to purchase the Headwaters Forest in northern California and \$65 million to purchase the proposed New World Mine in Montana, upstream from Yellowstone National Park. The balanced budget agreement envisioned a special lump sum of \$700 million for “priority federal land acquisitions” over and above the president’s FY 1998 requests for land acquisition. While the agreement authorizes the Appropriations Committee to include the \$700 million for “priority” land acquisitions over and above the committee’s 602(b) allocation without requiring offsetting cuts, the amendment may be subject to a point of order on the floor because the budget agreement specifically requires the \$700 million to be appropriated in committee or conference committee. The administration supports the acquisitions as way to protect environmentally sensitive properties. Opponents argue that the bill rightly focuses spending increases on addressing the critical backlog of maintenance needs at national parks, wildlife refuges, and other federal lands, which are estimated to cost \$14 billion. *Staff Contact: Jeff Petrich, x5-6065*

Mr. Minge may offer an amendment to strike every National Park Service project not requested in the Clinton Administration’s FY 1998 budget request. *Contact: x5-2311*

Mr. Porter and Mr. Kennedy (MA) may offer an amendment (#7) to reduce the Forest Service construction account by \$41.5 million from the committee-passed level of \$89 million, which effectively eliminates the \$47.4 million allocated to the forest road program to build, improve, and maintain forest roads. The amendment leaves only \$5.9 million for this subaccount to continue road inspection and oversight. The amendment also reduces the authorization for the Timber Purchaser Credit Program (through TPCP, the government credits timber to companies as payment for building new forest roads) from \$50 million to \$1, effectively prohibiting federal funds from being used by the Forest Service for the construction of new timber logging roads in FY 1997.

Supporters of the amendment maintain that Forest Service road construction is environmentally destructive and an unjustified federal subsidy for private timber companies. They argue that the amendment does not prevent timber companies from building new roads on federal lands, but requires them to build roads at their own expense. They also contend that the funding reduction will not jeopardize road maintenance because funding for this activity is provided through a separate account. Opponents argue the funding is needed in order to provide access for federal land management activities, specifically the ability to prevent and suppress catastrophic wildfires. In addition, they argue the current funding level will preserve timber jobs and maintain forest health, while the amendment will hurt rural schools that will lose tax receipts resulting from drastically reduced timber sales. Finally, they point to a recent Price Waterhouse analysis which concluded that “the Forest Roads program does not contain a subsidy for timber purchasers.” *Staff Contacts: Katherine Fisher (Porter) x5-4835; Heather Mizeur (Kennedy), x5-5111*

Mr. Riggs may offer an amendment (#8) to provide \$250 million from the Land and Water Conservation Fund to purchase the Headwaters Forest, a privately-owned old-growth redwood forest in Northern California. The money may not be obligated until (1) the Interior Department's agreement to purchase the forest is finalized, and (2) legislation has been enacted to authorize the federal government to provide economic mitigation assistance to Humboldt County, California for the loss of tax revenues and implementation costs. *Staff Contact: Jim Tobin, x5-3311*

Mr. Riggs may offer an amendment (#9) to prohibit any funds from being obligated from the Land and Water Conservation Fund to purchase the Headwaters Forest until (1) the Interior Department's agreement to purchase the forest is finalized, and (2) legislation has been enacted to authorize and appropriate funds from the federal government to provide economic mitigation assistance to Humboldt County, California, for the loss of tax revenues and implementation costs. *Staff Contact: Jim Tobin, x5-3311*

Mr. Royce may offer an amendment (#10) to reduce funding for the fossil energy research and development account by \$21 million. *Contact: x5-4111*

Mr. Sanders and Mr. Bass may offer an amendment (#11) to increase payments in lieu of taxes (PILT) by \$19 million and reduce the fossil energy research and development account by \$47.5 million. The PILT program was established to address the fact that the federal government does not pay taxes on its own land. The program provides payments to rural local governments in counties with large percentages of federal land to compensate for lost property tax revenue. Proponents argue that PILT has never approximated the revenue that local governments would otherwise generate through private property taxes. Despite an increase that was offered three years ago in the PILT authorization levels, the actual appropriation has been kept nearly level (taking inflation into account), resulting in a revenue shortfall to local communities in real terms. The remaining \$28.5 million would go towards deficit reduction. *Staff Contact: Steve Crowley (Sanders), x5-4115; (Bass), x5-5206*

Mr. Sanders and Mr. Quinn may offer an amendment (#12) to increase funding for the weatherization assistance program by \$11.1 million to a level of \$132 million. The increased funding is offset by an equal cut in funding for the naval petroleum and oil shale reserves. *Staff Contact: Aura Kenny (Quinn), x5-3306; Steve Crowley (Sanders), x5-4115*

Mr. Skaggs may offer an amendment to add \$8 million to four energy conservation programs and \$1 million to the consolidated fuel cell program, which are all part of DOE's fossil energy research and development activities. To offset those increases, the bill reduces advance funding for Forest Service firefighting activities by \$8 million and includes a \$1 million rescission from the Clean Coal Technology program. Specifically, the amendment increases weatherization assistance funding by \$3 million, state energy programs by \$1 million, the building equipment and materials fund by \$3 million, and funding for specific industry sector programs by \$1 million. *Staff Contact: Stan Sloss, x5-2161*

Mr. Stupak may offer an amendment (#13) to strike a provision in current law which authorizes the National Park Service to build a new scenic shoreline drive in Pictured Rocks National Lakeshore in Alger County, Michigan, which is estimated to cost \$13.4 million. Instead, the amendment appropriates \$9 million to make necessary improvements to an existing road, Highway 58, which serves the lakeshore. *Staff Contact: Justin Zimmerman, x5-4735*

Mr. Weldon (FL) may offer an amendment, debatable for 10 minutes, to prohibit the National Park Service from allocating any funds to designate the Canaveral National Seashore in Brevard County, Florida, as a “clothing-optional” area or nude beach, if the designation is contrary to a local county ordinance. In 1995, the National Park Service posted “clothing-optional” signs, effectively designating a section of the park as a nude beach. Although the signs have since been taken down, the sponsor is concerned that community decency standards have been thwarted and that families will be discouraged from visiting. *Contact: x5-2011*

Mr. Yates may offer an amendment to restore the National Endowment for the Arts (NEA) funding level to its FY 1997 level of \$99.5 million, an increase of \$89.5 million from the bill’s current level. The increased funding is offset by the sale of excess naval petroleum and oil shale reserves. *Staff Contact: Maura Reidy, x5-2111*

Mr. Young (AK) may offer an amendment (#14) to prohibit any funds made available to the Indian Health Service to be used to restructure the funding of Indian health delivery systems to Alaskan Natives. *Staff Contact: Cynthia Ahwinona, x6-0382*

Additional Information: See *Legislative Digest*, Vol. XXVI, #19, July 3, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER ENTIRELY NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

Motion to Go to Conference on H.R. 2015 (Balanced Budget Act)

Floor Situation: Mr. Kasich or a designee may offer a motion to go to conference on H.R. 2015 sometime today. Such a motion usually takes the form of a unanimous consent request. A motion to instruct may be made immediately after this request and before the chair appoints conferees. Instructions are considered the prerogative of the minority and are debatable for one hour.

Summary: The motion, if agreed to, would establish a House-Senate conference to resolve differences between the House version of H.R. 2015—which passed the House by a vote of 270-162 on June 25, 1997—and the Senate version (S. 947), which passed the Senate by a vote of 73-27 on June 25, 1997. Once agreed to, the motion permits the chair to appoint conferees. Details of a possible motion to instruct were unavailable at press time.

Views: The Republican Leadership supports the motion to go to conference, and opposes any motion to instruct conferees that would weaken the position of House negotiators.

Additional Information: See *Legislative Digest*, Vol. XXVI, #18, Pt. II, June 23, 1997.



Motion to Go to Conference on H.R. 2014 (Taxpayer Relief Act)

Floor Situation: Mr. Archer or a designee may offer a motion to go to conference on H.R. 2014 sometime today. Such a motion usually takes the form of a unanimous consent request. A motion to instruct may be made immediately after this request and before the chair appoints conferees. Instructions are considered the prerogative of the minority and are debatable for one hour.

Summary: The motion, if agreed to, would establish a House-Senate conference to resolve differences between the House version of H.R. 2014—which passed the House by a vote of 253-179 on June 26, 1997—and the Senate version (S. 949), which passed the Senate by voice vote on June 27. Once agreed to, the motion permits the chair to appoint conferees. Details of a possible motion to instruct were unavailable at press time.

Views: The Republican Leadership supports the motion to go to conference, and opposes any motion to instruct conferees that would weaken the position of House negotiators.

Additional Information: See *Legislative Digest*, Vol. XXVI, #18, Pt. III, June 24, 1997.



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